

PTO/SB/64 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor: Richard L. Smith

Application No.: 09/662,507

Art Unit: 1724

Filed: 09/14/2000

Examiner: Chester T. Barry

Title: Small-Scale Hydrogen-Oxidizing-Denitrifying Bioreactor

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,330.00

☐ has been paid previously on _____

☒ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Supplemental Information on Petition for Revival Below.

On April 13, 2004, we instructed the PTO to draw funds from our Deposit Account (No. 502895) to pay the issue fee for Patent Application Ser. No. 09/662,507. We were told to fax our payment to FAX no. 703 308-6778. We did so on April 13. That is the FAX no. of the Patent Maintenance Branch rather than the issue branch. Patent Maintenance branch did not withdraw payment from our account. We next received notice of abandonment for non-payment of this fee.

We are now submitting a Petition for Revival of said Patent Application with payment of the issue fee and the petition fee. We authorize your taking payment from the noted account (see above).

We also enclose a copy of the Confirmation Report indicating payment of the issue fee for the noted patent application was tendered to the PTO and received on April 13, 2004. In light of this attempt to make payment of the issue fee in a timely manner, and PTO's proven receipt of our attempted payment, we request you to withdraw the notice of abandonment and arrange for the issuance of a patent for Ser. No. 09/662,507, and also waive payment of the revival fee.

Thank you for your assistance in this matter.



Neil Mark
U.S. Geological Survey
Reston, VA 20192
Sept. 21, 2004